

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 454

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Richard P. Cheney

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR A LOWER SPEED LIMIT  
ON INTERSTATE HIGHWAYS FOR CERTAIN VEHICLES; IMPOSING FINES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-7-301 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 405, as amended) is amended to read:

"66-7-301. SPEED REGULATION. --

A. No person shall drive a vehicle on a highway at  
a speed greater than:

(1) fifteen miles per hour on all highways  
when passing a school while children are going to or leaving  
school and when the school zone is properly posted;

(2) thirty miles per hour in a business or  
residence district;

(3) seventy-five miles per hour; provided that

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 the maximum speed on interstate highways for motor vehicles  
2 with five axles or more shall be sixty-five miles per hour; and

3 (4) the posted speed limit in construction  
4 zones posted as double fine zones or other safety zones posted  
5 as double fine zones as designated by the [~~highway and~~  
6 ~~transportation~~] department of transportation, provided that the  
7 posted speed limit shall be determined by an engineering study  
8 performed by the [~~state highway and transportation~~] department  
9 of transportation.

10 B. In every event, speed shall be so controlled by  
11 the driver as may be necessary:

12 (1) to avoid colliding with a person, vehicle  
13 or other conveyance on or entering the highway;

14 (2) to comply with legal requirements as may  
15 be established by the [~~state highway and transportation~~]  
16 department of transportation or the New Mexico state police  
17 division of the department of public safety and the duty of all  
18 persons to use due care; and

19 (3) to protect workers in construction zones  
20 posted as double fine zones or other safety zones posted as  
21 double fine zones as designated by the [~~highway and~~  
22 ~~transportation~~] department of transportation.

23 C. The speed limits set forth in Subsection A of  
24 this section may be altered as authorized in Section 66-7-303  
25 NMSA 1978. "

. 150389. 1

1 Section 2. Section 66-8-116 NMSA 1978 (being Laws 1978,  
2 Chapter 35, Section 524, as amended) is amended to read:

3 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS-- DEFINITION--  
4 SCHEDULE OF ASSESSMENTS. --

5 A. As used in the Motor Vehicle Code, "penalty  
6 assessment misdemeanor" means violation of any of the following  
7 listed sections of the NMSA 1978 for which, except as provided  
8 in Subsection D of this section, the listed penalty assessment  
9 is established:

10	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
11			ASSESSMENT
12	Permitting unlicensed		
13	minor to drive	66-5-40	\$ 10.00
14	Failure to obey sign	66-7-104	10.00
15	Failure to obey signal	66-7-105	10.00
16	Speeding <u>for vehicles with</u>		
17	<u>under five axles</u>	66-7-301	
18	(1) up to and including		
19	ten miles an hour		
20	over the speed limit		15.00
21	(2) from eleven up to		
22	and including fifteen		
23	miles an hour		
24	over the speed limit		30.00
25	(3) from sixteen up to		

. 150389. 1

underscored material = new  
[bracketed material] = delete

1	and including twenty	
2	miles an hour over the	
3	speed limit	65.00
4	(4) from twenty-one up to	
5	and including twenty-five	
6	miles an hour	
7	over the speed limit	100.00
8	(5) from twenty-six up to	
9	and including thirty	
10	miles an hour over the	
11	speed limit	125.00
12	(6) from thirty-one up to	
13	and including thirty-five	
14	miles an hour over the	
15	speed limit	150.00
16	(7) more than thirty-five	
17	miles an hour over the	
18	speed limit	200.00
19	<u>Speeding on interstate</u>	
20	<u>highways for vehicles with</u>	
21	<u>five axles or more</u>	<u>67-7-301</u>
22	<u>(1) from sixty-six to seventy miles an hour</u>	<u>500.00</u>
23	<u>(2) over seventy miles an hour</u>	<u>1,000.00</u>
24	Unfastened safety belt	66-7-372 25.00
25	Child not in restraint device	

. 150389. 1

underscored material = new  
[bracketed material] = delete

1	or seat belt	66- 7- 369	25. 00
2	Minimum speed	66- 7- 305	10. 00
3	Speeding	66- 7- 306	15. 00
4	Improper starting	66- 7- 324	10. 00
5	Improper backing	66- 7- 354	10. 00
6	Improper lane	66- 7- 308	10. 00
7	Improper lane	66- 7- 313	10. 00
8	Improper lane	66- 7- 316	10. 00
9	Improper lane	66- 7- 317	10. 00
10	Improper lane	66- 7- 319	10. 00
11	Improper passing	66- 7- 309 through 66- 7- 312	10. 00
12	Improper passing	66- 7- 315	10. 00
13	Controlled access		
14	violation	66- 7- 320	10. 00
15	Controlled access		
16	violation	66- 7- 321	10. 00
17	Improper turning	66- 7- 322	10. 00
18	Improper turning	66- 7- 323	10. 00
19	Improper turning	66- 7- 325	10. 00
20	Following too closely	66- 7- 318	10. 00
21	Failure to yield	66- 7- 328 through 66- 7- 332	10. 00
22	Failure to yield	66- 7- 332. 1	25. 00
23	Pedestrian violation	66- 7- 333	10. 00
24	Pedestrian violation	66- 7- 340	10. 00
25	Failure to stop	66- 7- 342 and 66- 7- 344	

. 150389. 1

underscored material = new  
[bracketed material] = delete

1	through 66-7-346	10.00
2	Railroad-highway grade	
3	crossing violation 66-7-341 and 66-7-343	10.00
4	Passing school bus 66-7-347	100.00
5	Failure to signal 66-7-325 through 66-7-327	10.00
6	Failure to secure load 66-7-407	100.00
7	Operation without oversize-	
8	overweight permit 66-7-413	50.00
9	Improper equipment 66-3-801	10.00
10	Improper equipment 66-3-901	20.00
11	Improper emergency	
12	signal 66-3-853 through 66-3-857	10.00
13	Operation interference 66-7-357	5.00
14	Littering 66-7-364	300.00
15	Improper parking 66-7-349 through 66-7-352	
16	and 66-7-353	5.00
17	Improper parking 66-7-352.5	50.00
18	Improper parking 66-3-852	5.00
19	Failure to dim lights 66-3-831	10.00
20	Riding in or towing	
21	occupied house trailer 66-7-366	5.00
22	Improper opening of doors 66-7-367	5.00
23	No slow-moving vehicle	
24	emblem or flashing	
25	amber light 66-3-887	5.00

. 150389. 1

underscored material = new  
[bracketed material] = delete

1 Open container - first

2 violation 66-8-138 25.00.

3 B. The term "penalty assessment misdemeanor" does not  
4 include a violation that has caused or contributed to the cause  
5 of an accident resulting in injury or death to a person.

6 C. When an alleged violator of a penalty assessment  
7 misdemeanor elects to accept a notice to appear in lieu of a  
8 notice of penalty assessment, a fine imposed upon later  
9 conviction shall not exceed the penalty assessment established  
10 for the particular penalty assessment misdemeanor and probation  
11 imposed upon a suspended or deferred sentence shall not exceed  
12 ninety days.

13 D. The penalty assessment for speeding in violation  
14 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978  
15 is twice the penalty assessment established in Subsection A of  
16 this section for the equivalent miles per hour over the speed  
17 limit. "